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U.S. Treaties, etc., 1845-1849 (Polk)
Articles of a treaty made and
concluded at Council Springs

JAMES K. POLK,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting :

Whereas a treaty was made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos river, on the fifteenth day of May, A. D. one thousand eight hundred and forty-six, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States of America, of the one part, and the chiefs, counsellors, and warriors of the Comanche, I-on-i, Ana-da-ca, Cadoe, Lapan, Long-wha, Keechy, Tah-wah-carro, Wichita, and Wacoe tribes of Indians, and their associate bands, in behalf of their said tribes, of the other part; which treaty is word for word, as follows, viz :

Articles of a treaty made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos river, this 15th day of May, A. D. 1846, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States of the one part, and the undersigned chiefs, counsellors, and warriors of the Comanche, I-on-i, Ana-da-ca, Cadoe, Lapan, Long-wha, Keechy, Tah-wa-carro, Wichita, and Wacoe tribes of Indians and their associate bands in behalf of their said tribes, on the other part.

ARTICLE I.

The undersigned, chiefs, warriors, and counsellors, for themselves and their said tribes or nations, do hereby acknowledge themselves to be under the protection of the United States, and of no other power, State, or sovereignty whatever.

ARTICLE II.

It is stipulated and agreed by the said tribes or nations, and their associate bands, that the United States shall have the sole and exclusive right of regulating trade and intercourse with them, and they do hereby respectively engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade and intercourse, and to their agents and servants, but no person shall be permitted to reside among them as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent to be appointed by the President of the United States or such other person as the President shall authorize to grant such licenses, to the end that said Indians may not be imposed on in their trade; and if any licensed trader shall abuse his privilege by unfair dealing, upon complaint by the chiefs to their

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agents, and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States; and if any person shall intrude himself as a trader without such license, upon complaint he shall be dealt with according to law.

ARTICLE III.

The United States reserves to itself the right of working such mines as may be found within the Indian territory, and the said tribes pledge themselves to protect such persons as the President of the United States may send among them for that purpose. In order to guard against the perpetration of frauds upon the Indians, under pretext of hunting and working mines, no person shall be permitted to go among them for that purpose, except by express license from the President of the United States.

ARTICLE IV.

The said tribes and their associate bands, agree to deliver by the first day of November next, to the superintendent of Indian affairs, to be appointed by the President, at such place as he may direct, due notice of which shall be given to the said tribes, all white persons, and negroes, who are now prisoners among any of the said tribes or nations, for which the United States agree to make to them a fair compensation; and the United States further agree to make all the prisoners taken from said tribes by Texas or the United States, shall be delivered up to the said tribes, at the same time, and place without charge. And when any member of any of said tribes or nations, and their associate bands, having in his possession an American prisoner or prison-

ers, white or black, shall refuse to give them up, the President of the United States shall have the privilege of sending among said tribes or nations such force as he may think necessary to take them; and the chiefs of the nations or tribes, parties to this treaty, pledge themselves to give protection and assistance to such persons as may be sent among them for this purpose.

ARTICLE V.

The said tribes or nations shall have the right of sending delegates to the city of Washington whenever they may think their interest requires it.

ARTICLE VI.

The said tribes and their associate bands pledge themselves to give notice to the agent of the United States, residing near them, of any designs which they may know or suspect to [be] formed in any neighboring tribe, or by any person whatever, against the peace and interests of the United States.

ARTICLE VII.

It is agreed that if any Indian or Indians shall commit a murder or robbery on any citizen of the United States, the tribe or nation, to which the offender belongs shall deliver up the person or persons so complained of on complaint being made to their chief, to the nearest post of the United States, to the end that he or they may be tried, and if found guilty, punished according to the law of the State or Territory where such offence may have been committed. In like manner, if any subject or citizen of the United States shall commit murder or robbery on any Indian or Indians of the said tribes or nations, up-

on complaint thereof to the agent residing near them, he or they shall be arrested, tried, and punished according to the law of the State or Territory, where such offence may have been committed.

ARTICLE VIII.

The practice of stealing horses has prevailed very much to the great disquiet of the citizens of the United States, and, if persisted in, cannot fail to involve both the United States and the Indians in endless strife. It is therefore agreed that it shall be put an entire stop to on both sides. Nevertheless, should bad men in defiance of this agreement, continue to make depredations of that nature, the person convicted thereof shall be punished with the utmost severity according to the laws of the State or Territory where the offence may have been committed; and all horses so stolen, either by the Indians from the citizens of the United States, or by the citizens of the United States from any of the said tribes or nations into whose possession soever they may have passed, upon due proof of rightful ownership, shall be restored; and the chiefs of said tribes or nations shall give all necessary aid and protection to citizens of the United States in reclaiming and recovering such stolen horses; and the civil magistrates of the United States respectively shall give all necessary aid and protection to Indians in claiming and recovering such stolen horses.

ARTICLE IX.

For the protection of said Indians and for the purpose of carrying out the stipulations of this treaty more effectually, the President shall, at his discre-

tion, locate upon their borders, trading houses, agencies and posts. In consideration of the friendly disposition of said tribes, evidenced by the stipulations in the present treaty, the commissioners of the United States, in behalf of the said States, agree to give to the said tribes or nations goods as presents, at this time, and agree to give presents in goods to them to the amount of—next fall, at the Council Springs, on the Brazos, where this council is now held, or at some other point to be designated, and of which due notice shall be given to said tribes.

ARTICLE X.

The said tribes or nations and their associate bands are now, and forever agree to remain, at peace with the United States. All animosities for past offences are hereby mutually forgiven and forgotten, and the parties to this treaty pledge themselves to carry it into full execution, in good faith and sincerity.

ARTICLE XI.

And the said tribes and their associate bands, are now, and agree to remain friendly with such tribes as are now at peace with the United States, residing upon the waters of the Arkansas, Missouri, and Red rivers.

ARTICLE XII.

If any person or persons shall introduce ardent spirits or intoxicating liquors of any kind, among said tribes or nations, such person or *person* shall be punished according to the laws of the United States, and the said tribes or nations agree to give immediate notice to the agent of the United States

residing near them, and to prevent by any means in their power the violation of this article of treaty.

ARTICLE XIII.

It is further agreed that blacksmiths shall be sent to reside among the said tribes or nations to keep their guns and farming utensils in order, as long and in such manner as the President may think proper. It is further agreed that school teachers, at the discretion of the President, shall be sent among the said tribes or nations for the purpose of instructing them; and the said tribes or nations agree that preachers of the gospel may travel or reside among them by permission of the President or his agents to be appointed, and that ample protec-

tion shall be afforded them in the discharge of their duties.

ARTICLE XIV.

The said tribes or nations, parties to this treaty, are anxious to be at peace with all other tribes or nations, and it is agreed that the President shall use his exertions in such manner as he may think proper to preserve friendly relations between the different tribes or nations parties to this treaty, and all other tribes of Indians under his jurisdiction.

Given under our hands and seals this day and date above.

P. M. BUTLER, }
M. G. LEWIS, } U. S. Com's.

Comanches.

Pah-ha-u-ca, or the Amorous Man,	[his x mark.
Mo-pe-chu-co-pe, or Old Owl,	[his x mark.
Cush-un-a-rah-ah, or Ravisher,	[his x mark.
Ka-bah ha-moo, or Wont Smoke,	[his x mark.
O-ka-art-su or Rope Cutter,	[his x mark.
Moo-ra-que-top, or Nasty Mule,	[his x mark.
Ta-bup-pua-ta, or the Winner,	[his x mark.
Kai-tia-tah, or Little,	[his x mark.
Kai-he-na-mon-rah, Blind Man,	[his x mark.
Ao-chu-cah, Birdshouse,	[his x mark.
Pah-moo-wah-tah. No Tobacco,	[his x mark.
Mon-ne-con-nah-heh, Ring,	[his x mark.
Po-che-na-qua-heip, Buffalo Hump,	[his x mark.
Santa Anna,	[his x mark.
Sa ba-heit, Small Wolf,	[his x mark.
Quarah-ha-po-e, Atelope Road,	[his x mark.
Ka-nah-u-mah-ka, Nearly dead,	[his x mark.
Ish-a-me-a-qui, Travelling Wolf,	[his x mark.
Mo-he-ka, Pole cat,	[his x mark.
A-ka-chu-a-ta, No Horn,	[his x mark.
Ka-he-na-bo-ne, Blind Man,	[his x mark.
Ma-war-ra, The Lost,	[his x mark.
Ke-wid-da-wip-pa, Tall Woman,	[his x mark.
Pa-na-che, Missletoe,	[his x mark.

Wacoes.

We-ar-ras, Big Dog,	[his x mark.
Hed-e-cok-isk, Double Barrelled,	[his x mark.

Keeches.

Sa-sed-da-qua, Dead Man,	[his x mark.
A-ko-ha-rai-at, Pursuer,	[his x mark.
Hens-ke-da-hick, Long Frock,	[his x mark.
Uks-que-ra-qua-ar-da, House Keeper,	[his x mark.
Ha-wi-da-sai-kish, Man Killer,	[his x mark.
No-cur-ra-oh-to-a-wa, Loud Talker,	[his x mark.
To-ka-rah, Black House,	[his x mark.
Ken-di ash-ush-sa, Narrow Escape.	[his x mark.

Tonkaways.

Ha-set-ta, Sitting by a River, (Campo.)	[his x mark.
Ha-shu-ka-nah, Can't Kill Him, Placedon,	[his x mark.
Cha-al-lah, Strong Man, (Jose,)	[his x mark.
Ka-sa, A Worshipper,	[his x mark.
T'ron-ke-la, Thunder,	[his x mark.
Nic-co-na-nah, Killed an Indian on the Hill,	[his x mark.
Hose-Marea, or Aish,	[his x mark.
Be-cin-ta,	[his x mark.
Shell Chief, or Tow-a-ash,	[his x mark.
Bin-chah,	[his x mark.
Chick-a saw-che,	[his x mark.

Wichetas.

To-sa-quash, White Tail,	[his x mark.
Cho-wash-ta-ha-da, Runner,	[his x mark.
Kow-wah, Shirt Tail,	[his x mark.
Wich-qua-sa-is, Contrary,	[his x mark.
His-si-da-wah, Stubborn,	[his x mark.

Towa-karroes.

Ke-chi-ko-ra-ko, Stubborn,	[his x mark.
Nes-ho-chil-lash, Traveller,	[his x mark.
Na-co-ah, Dangerfield,	[his x mark.
Ka-ra-ko-ris, Deceiver,	[his x mark.
Ha-ke-di-ad-ah, Gallant Man,	[his x mark.

Wha-cha-ash-da, Looker-on,	[his x mark.
Wash-le-doi ro ka, Don't you do so,	[his x mark.
Te-ah-kur-rah, Lightman,	[his x mark.
Sar-rah-de-od-a-sa, Straight Looker,	[his x mark.

Wacoos.

A-qua-gosh, Short Tail,	[his x mark.
Ho-hed-orah, Long ways over the river,	[his x mark.
Chos-toch-ka-a-wah, Charger,	[his x mark.
Cha-to-wait, Ghost.	[his x mark.

Thomas J. Wilson,	} Secretaries.
Isaac H. Du Val,	

Robt. S. Neighbors,	} Witnesses.
Hugh Rose,	
Jno. H. Rollins,	
Thomas J. Smith,	
E. Morehouse,	

his	} Interpreters.
Louis x Sanches,	
mark.	
his	
John x Conner,	
mark.	}
his	
Jim x Shaw,	
mark.	}

And whereas, the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the fifteenth day of February, one thousand eight hundred and forty-seven, resolve as follows, viz:

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos river, the 15th day of May, A. D. 1846, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States, of the one

part, and the undersigned chiefs, counsellors, and warriors of the Comanche, I-on-i, Ana-da-ca, Cadoc, Lapan, Long-wha, Keechy, Sah-wah-carro, Wichita, and Wacoe tribes of Indians, and their associate bands, in behalf of their said tribes, on the other part, with the following amendments:

Strike out the third article of the treaty in the following words:

"ARTICLE III.

The United States reserves to itself the right of working such mines as may be found within the Indian territory: and the said tribes pledge themselves to protect such persons as the President

of the United States may send among them for that purpose. In order to guard against the perpetration of frauds upon the Indians, under pretext of hunting and working mines, no person shall be permitted to go among them for that purpose, except by express license from the President of the United States."

Strike out the fifth article of the treaty in the following words :

"ARTICLE V.

The said tribes or nations shall have the right of sending delegates to the city of Washington, whenever they may think their interest requires it."

In article 9, line 10, after the word "of," insert *ten thousand dollars*.

In article 9, line 11, strike out the words "next fall," and insert, *at such time as the President of the United States may think proper*.

NOW, THEREFORE, be it known that I, JAMES K. POLK, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of February, one thousand eight hundred and forty-seven, accept, ratify and confirm the said treaty with the amendments, set forth in the said resolution.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.



DONE at the City of Washington, the eighth day of March, in the year of our Lord one thousand eight hundred and forty-seven, and of the Independence of the United States of America, the seventy-first.

JAMES K. POLK.

BY THE PRESIDENT :

JAMES BUCHANAN,

Secretary of State.





